IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 30TH JANUARY 2007 / 10TH MAGHA 1928

Bail Appl..No. 376 of 2007()

CMP.5640/2006 of J.M.F.C., ADOOR

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OR.112/06 OF ADOOR EXCISE RANGE

: PETITIONER/ACCUSED 1

SADANANDAN, S/O.KESAVAN,
SARALABHAVANAM, EZHAMKULAM MURI,
ADOOR.

BY ADV. SRI.K.SASIKUMAR
SRI.S.ARAVIND
SRI.S.SREEDUTT

RESPONDENTS: COUNTER PETITIONER

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 376 OF 2007 B

Dated this the 30th day of January, 2007

O R D E R

In this Petition filed under Sec. 439 Cr.P.C., the petitioner, who is the first accused in O.R. No.112/2006 of Adoor Excise Range for an offence punishable under Sec.55(a) of the Abkari Act for allegedly having been found in possession of 105 liters of spirit on 30.11.2006 and was arrested on the same day, seeks his enlargement on bail.

2. Eventhough the learned Public Prosecutor opposed the application, he fairly conceded that no final report has been filed even after 90 days of judicial custody of the petitioner. If so, by virtue of the proviso to Sec.167(2) Cr.P.C., the petitioner is entitled to bail as of right. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs. 35,000/- (Rupees thirty five thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M., Adoor and subject to the following conditions:

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall make himself available for interrogation as and when required by the police till the filing of the final report.

3. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

4. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

Sd/-

(V. RAMKUMAR, JUDGE)

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True Copy

P.A. to Judge